

# Categorical Exclusion

## DOI-BLM-ORWA-L050-2016-0002-CX

### A. Background

**BLM Office:** Lakeview District, Lakeview Resource Area

**Lease/Serial/Case File No.:** \_\_\_\_\_

**Proposed Action Title/Type:** Warner Lakes Coring

**Location of Proposed Action:** Warner Lakes (Crump, Hart, Flagstaff, Upper Campbell, Campbell, Stone Corral and Mugwump). See legal descriptions below and attached maps.

Sections 16-21 and 29-31, T34S, R26E

Sections 22-35, T34S, R25E

Sections 1-8, T35S, R25E

Sections 25 and 36, T34S, R24E

Sections 3, 10-14, and 36, T37S, R24E

Sections 29-32, T37S, R25E

Sections 5-8, 17-19, and 30, T38S, R25E

Sections 1-2, 11-14, 23-27, and 34-35, T38S, R24E

Hart Lake (no legal description available)

Crump Lake (no legal description available)

**Description of Proposed Action:** The Desert Research Institute (DRI), in collaboration with Geoffrey Smith of the University of Nevada (UNR) and Loren Davis at Oregon State University (OSU), proposes driving of a Geoprobe 7822DT coring machine to take 3.25 inch diameter core samples from the dry lake beds for climatic and geologic study. Coring activities would occur for approximately 10 days during daylight only in mid-November 2015. The proponent would access the lake beds from existing roads in the study area (see maps). Each lake bed would have from 1 to 10 cores extracted depending on field conditions/data study. Cores would generally be one meter to eight meters in length with a maximum depth of 30 meters possible. After a core is extracted, the hole would be filled in with hand tools. The area would then be hand-raked to mimic its original surface relief.

### B. Land Use Plan Conformance

Land Use Plan Name: Lakeview RMP/ROD Date Approved/Amended: November 2003, as maintained.

X The proposed action is in conformance with the applicable plan because it is specifically provided for in the following decision(s):

#### Management Goals

Provide recreational, educational, and research opportunities within the capability of the planning area (p. 25, as maintained).

Management Direction

Non-destructive research is encouraged within ACECs and RNAs, but is not limited to those areas... Any research would need to be authorized by BLM in writing and where necessary, permitted (p. 58a, as maintained).

X The proposed action is in conformance with the plan, even though it is not specifically provided for, because it is clearly consistent with the following decision(s) (objectives, terms and conditions):

Management Direction

Vehicle use within the Warner Wetlands ACEC is restricted to designated roads and trails (see RMP/ROD Table 10, Maps R-7 and SMA-10) (p. 63, as maintained). Generally, this direction is intended to prevent cross-country (off-road) motorized vehicle travel or use of closed roads.

However, the RMP/ROD also contains direction that contains five specific exemptions for off-road vehicle use. Exception number 5 could be applied to the proposed study. This exception allows vehicle use that is expressly authorized by the authorized officer or is otherwise officially approved. Under exemption 5, individuals authorized to use public lands under a license, lease, permit, contract, or other authorization may be allowed to use an OHV in a closed area or off-road in a limited use area on a case-by-case basis. This would have to be approved by the authorized officer as part of the appropriate authorization process. Approval would take into consideration the type of vehicle, frequency of trips, season of use, purpose, and existing resource values requiring protection (soils, vegetation, wildlife, cultural, paleontological, WSA, etc). The requester would have to demonstrate that the use was necessary to carry out the primary purpose(s) of the license, lease, permit, contract, or other authorization and no other practicable alternatives were available. The vehicle would have to be the least impacting type capable of performing the required task. Travel would be limited to frozen or dry soil conditions to minimize potential impacts to soil and avoid other protected resource values. The frequency of trips would be limited to the minimum necessary to complete the required task and would be controlled to prevent the development of new trails on the landscape (p. 86, as maintained).

**Land Use Plan Name:** Warner Lakes Plan Amendment for Wetlands and Associated Uplands Environmental Assessment and Decision Record

**Date Approved/Amended:** 1989

\_\_\_\_ The proposed action is in conformance with the applicable plan because it is specifically provided for in the following decision(s):

X The proposed action is in conformance with the plan, even though it is not specifically provided for, because it is clearly consistent with the following decision(s) (objectives, terms, and conditions):

Management Direction

The ACEC management plan does not specifically address research activities. However, the Lakeview RMP/ROD did contain additional ACEC management direction encouraging research within ACECs, including the Warner Wetlands ACEC (see discussion above).

**Land Use Plan Name:** Record of Decision and Oregon Greater Sage-Grouse Approved Resource Management Plan Amendment

**Date Approved/Amended:** September 2015

The proposed study falls outside of sage-grouse habitat management areas and, therefore, the management direction in this plan amendment does not apply. In addition, the plan amendment contains no management direction specific to research activities.

**C: Compliance with NEPA:**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with:

516 DM 11.9, J.3 – conducting site investigations, site characterization studies, and environmental monitoring.

516 DM 2, Appendix 1, 1.6, non-destructive data collection, inventory, study, research and monitoring activities.

**Extraordinary Circumstances** – The proposal has been reviewed by an inter-disciplinary team of resource specialists to determine if any of the following extraordinary circumstances apply to the proposed action (*see 516 DM 2, Appendix 2*). The following section documents the results of this review.

1. Would the proposed action have significant impacts on public health or safety (*40 CFR 1508.27(b)(2)*)? Yes \_\_\_ No X

Rationale: There are no known hazardous waste sites located in the area. The proposed action would result in no measureable impacts to air or water quality within or surrounding the area.

2. Would the proposed action have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, designated wilderness areas, wild or scenic rivers, national natural landmarks, sole or principal drinking water aquifers, prime farmlands, wetlands (*Executive Order 11990*), floodplains (*Executive Order 11988*), national monuments, migratory birds, and other ecologically significant or critical areas (*ie. significant caves, ACECs, ONAs, and RNAs*) (*40 CFR 1508.27(b)(3)*)? Yes \_\_\_ No X

Rationale: There are no prime or unique farmlands, park or refuge lands, national natural landmarks, national monuments, significant caves, wild and scenic rivers, RNA/ONAs, designated wilderness areas, or wilderness study areas located in the area.

A portion of the proposal fall within the Warner Wetlands Area of Critical Environmental Concern (ACEC) and an area that BLM has recently identified as having wilderness character. The lake beds also contain wetlands/riparian and migratory bird habitat (during wet years), as well as floodplains. However, the coring study represents a temporary impact and would be conducted during dry conditions and would not have any lasting impacts on these resources.

Historic and cultural resources are addressed in paragraph 7 below.

While drinking wells may be located on private lands in the surrounding area, sole or principal drinking water aquifers would not be impacted by the proposed action.

3. Would the proposed action have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (*NEPA Section 102(2)E and 40 CFR 1508.27(b)(4)*)? Yes \_\_\_ No X

Rationale: The BLM has extensive expertise planning, analyzing impacts, and implementing management actions such as the proposed action. The potential impacts of the proposed action on other resource values are minor. The nature of these impacts are not highly controversial, nor has there been substantial dispute within the scientific community regarding the nature of these effects. Further, there are no unresolved conflicts concerning alternative uses of available resources. As described in Section B above, the proposal conforms with all existing, applicable management direction, including the current land use plan.

4. Would the proposed action have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks (*40 CFR 1508.27(b)(5)*)? Yes \_\_\_ No X

Rationale: The BLM has extensive expertise planning, analyzing impacts, and implementing management actions such as the proposed action. The potential impacts on other resource values are minor and insignificant. For these reasons, there are no highly uncertain or potentially significant environmental effects or unique or unknown environmental risks likely to result from the proposed action.

5. Would the proposed action establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects (*CFR 1508.27(b)(6)*)? Yes \_\_\_ No X

Rationale: The BLM has extensive expertise planning, analyzing impacts, and implementing management actions such as the proposed action. Implementation represents a routine management action that would not set precedence for future management actions or represent a decision in principle about future actions with potentially significant environmental effects. As discussed in paragraphs 1-4 and 6-8, the proposed action would have limited temporary impacts and is not likely to have any potentially significant environmental effects.

6. Would the proposed action have a direct relationship to other actions with individually insignificant, but cumulatively significant environmental effects (*40 CFR 1508.7 and 1508.25(a)*)? Yes \_\_\_ No X

Rationale: The proposed action represents a small component of implementing the management direction contained within the Lakeview Resource Management Plan and Record of Decision (2003). While implementation of the proposed action does not have any known direct significant effects (refer to paragraphs 1-4 and 6-8), when added with the effects of other on-going resource management activities across the resource area there could be the potential for significant cumulative environmental effects to occur. However, the cumulative effects of the all resource management programs have already been addressed across the entire Lakeview Resource Area in Chapter 4 of the Lakeview Proposed Resource Management Plan and Final Environmental Impact Statement (2003). For this reason, the effects of the proposed action, when combined with other management actions, would not

cause significant cumulative effects beyond those that have already been analyzed within an environmental impact statement.

7. Would the proposed action have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office ( 40 CFR 1508.27(b)(8)?

Yes \_\_\_ No X

Rationale: The area is located within a broader landscape that was used historically by native Americans. However, there are no designated Traditional Cultural Properties or national register eligible sites known to occur within the lake beds of the study area.

8. Would the proposed action have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species? (*Endangered Species Act*) (*Note: When a Federally listed species or its habitat is encountered, a Biological Evaluation (BE) shall document the effect on the species and should be cross-referenced within the CX form to document that effects to the species would, in fact, not be significant*) Yes \_\_\_ No X

Rationale: There are no federally listed plant species within the study area. There are two known Oregon BLM special status plants species plants in the area: *Sesuvium verrucosum* (verrucose seapurslane) and *Heliotropium curassavicum* var. *obovatum* (seaside heliotrope). *Sesuvium verrucosum* is an annual to perennal herb species with the majority of the active phenology being June-August. The preferred habitat of this species is moist or seasonally dry flats, margins of saline or alkaline wetlands. The populations in the Warner Wetlands are centered around Swamp and Anderson Lakes, although individuals have been observed throughout the wetlands. *Heliotropium curassavicum* L. Var. *obovatum* is a perennial with active phenology from May through October. The heliotrope species prefers alkaline playas and dry lake margins and is found throughout the Warner Wetlands. Due to the November time frame of the study there would be low to no effect to these special status plants because they are dormant. However, a map will be provided for the proponent and known sites will be avoided for staging and drilling areas.

There is one known federally-listed Threatened animal species in the study area, the Warner Sucker (*Catostomus warnerensis*). The Warner Sucker is endemic to the Warner Valley in southeast Oregon, a closed sub-basin within the Northern Great Basin area. When adequate water is present, Warner Suckers may inhabit all the lakes, sloughs, and potholes in the Warner Valley. Resident stream populations are found in Deep Creek, Honey Creek, Snyder Creek, Twentymile Creek, and Twelvemile Creek. Most of the habitat occupied by Warner Suckers is located on BLM-administered lands in southeast Oregon and a small portion in northwest Nevada. Additional habitat is located on private lands and the Hart Mountain National Antelope Refuge. Since the proposed study will take place when the lakes are dry, there will be no effects to Warner Sucker. The study would have no effect on Warner Sucker designated critical habitat because no critical habitat exists in the study area.

9. Would the proposed action violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment. (*Note: non-Federal requirements generally must be consistent with, or not attempt to supersede Federal requirements. This requirement could include discussion of compliance with the Clean Air Act (air quality standards), Clean Water Act (state water quality standards), Wild Horse and Burro Act, or other laws not already addressed elsewhere in this form*). Yes \_\_\_ No X

Rationale: This document provides the rationale as to why the proposed action is categorically excluded from the requirements of the National Environmental Policy Act of 1969. Compliance with the Federal Land Policy and Management Act is discussed in detail in Section B above. Compliance with the Clean Air Act and Clean Water Act are addressed in paragraph 1 above. Compliance with the Endangered Species Act is addressed in paragraph 8 above.

10. Would the proposed action have a disproportionately high and adverse effect on low income or minority populations (*Executive Order 12898*)? Yes \_\_\_ No X

Rationale: The proposed action would not have a disproportionately high or adverse effect on low income or minority populations as such populations do not live within or adjacent to the study area.

11. Would the proposed action limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites (*Executive Order 13007*)? Yes \_\_\_ No X

Rationale: The area is located within a broader landscape that was used historically by native Americans. However, there are no important plant collecting sites, or religious or sacred sites known to occur within the study area.

12. Would the proposed action contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (*Federal Noxious Weed Control Act and Executive Order 13112*)? Yes \_\_\_ No X

Rationale: Noxious weeds are present throughout the study area; they persist near and around the majority of the lake margins and throughout the majority of the Warner Basin. The known noxious weeds within the Warner Lakes include perennial pepperweed, hoary cress, Canada thistle, bull thistle, Scotch thistle, and small amounts of Halogeton. The majority of these species will be dormant during the study timeframe; however all of the species are prolific seed producers and the seeds could easily be spread during study activities. These species are currently being managed under an existing integrated invasive species management program that has previously been analyzed at the national, state, and local level through the preparation of 2 EISs and an EA (BLM 2007, 2010, 2014). This current invasive species management program would continue regardless of whether or not the proposed study is authorized.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed and none of the extraordinary circumstances described in 516 DM2 apply.

Potential impacts to soils, vegetation, and the archaeological sites were considered. Coring will be done outside of known archeological sites and will have no potential long-term impacts to soils or vegetation after refilling of the core holes. I also considered or adopted the following best management practices or project design features to minimize potential environmental effects:

1) To prevent the spread of new noxious weeds into the project area and Warner Lakes, all equipment and vehicles shall be washed to remove all dirt and plant matter prior to entering public lands in the study area. If coring sites are located within in weed infestations the

equipment must be washed prior to moving to the next coring site to prevent the spreading of weeds from one site to another site. A map of disturbed areas will be provided to the BLM so that BLM can conduct future monitoring for weeds in the study areas.

The effects of off-road vehicle use on soils and vegetation would be temporary as the vehicle tracks will disappear once the lake beds refill with water.

**D: Signature**

Authorizing Official:  Date: 11/2/15  
(Signature)

Name: J. Todd Forbes

Title: Field Manager, Lakeview Resource Area

**E: Contact Person**

For additional information concerning this CX review, contact

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